

**REMARKS**

Applicant has carefully reviewed the Office Action of November 10, 2004, and offers the following remarks to accompany the above amendments. Applicant appreciates the indication of allowable subject matter in claims 3, 5, 7-16, 25, 39, 40, 42-50, and 52-56. In light of the arguments available to Applicant as presented below, Applicant does not amend the claims to take the allowable subject matter at this time.

Claims 1, 2, 4, 6, 17-24, 26-38, 41, and 51 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nimura et al. (hereinafter "Nimura"). Applicant respectfully traverses. Anticipation requires that a single reference teach each and every element of the claim. Further, the elements of the reference must be arranged as claimed. MPEP § 2131.

Claim 1 recites "requesting, through a mobile terminal, traffic information pertaining to the learned route. . ." The Patent Office opines that this element is taught at Nimura, col. 6, lines 8-22. Applicant respectfully traverses. Nimura, col. 6, lines 8-22 states that the beacon receiver 26 receives beacon signals from data providing systems, including the advanced traffic information service. While the passage indicates the reception of traffic information, there is no request for the traffic information as recited in the claim. To this extent, Nimura does not show a recited claim element and cannot anticipate the claim.

Claims 2, 4, 6, and 17-19 depend from claim 1, and are not anticipated at least for the same reasons.

Claim 20 has been amended to include the subject matter of allowable claim 25, and should be in a condition for allowance as a result. Claim 25 has been canceled as redundant. Claims 21-24 depend from claim 20, and should be allowable as well.

Claim 26 recites "query a traffic information database. . ." As explained above, Nimura does not teach requesting or querying anything for the traffic information because the traffic information is received by the beacon receiver 26 without further explanation. Thus, Nimura does not teach a claim element, and claim 26 is not anticipated by Nimura.

Claim 27 recites "query an associated traffic information database for traffic information." As discussed above, Nimura does not teach this element, and thus cannot anticipate claim 27.

Claims 28-31 depend from claim 27, and are allowable at least for the same reasons.

Claim 32 recites "request via the mobile terminal traffic information. . . ." As discussed above, Nimura does not teach this element, and thus cannot anticipate claim 32.

Claims 33-36 depend from claim 32, and are allowable at least for the same reasons.

Claim 37 recites "request traffic information. . . ." As discussed above, Nimura does not teach this element, and thus cannot anticipate claim 37.

Claim 38 depends from claim 37, and is patentable at least for the same reasons.

Claim 41 recites "traffic information logic adapted to form traffic information queries for transmission to the remote communications network. . . ." As discussed above, Nimura does not teach this element, and thus cannot anticipate claim 41.

Claim 51 recites providing traffic information "in response to receiving traffic information queries from given ones of the mobile terminals. . . ." As discussed above, Nimura does not teach this element, and thus cannot anticipate claim 51.

Applicant requests reconsideration of the rejection and earnestly seeks claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



Taylor M. Davenport  
Registration No. 42,466  
P.O. Box 1287  
Cary, NC 27512  
Telephone: (919) 654-4520

Date: February 10, 2005  
Attorney Docket: 7000-008

CERTIFICATE OF TRANSMISSION	
I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED BELOW TO:	
Examiner: <u>Beaulieu, Yonel</u> Art Unit: <u>3661</u> Fax: <u>703-872-9306</u>	
<u>REBECCA ROOKS</u> Name of Sender	
<u>Rebecca Rooks</u> Signature	
<u>2/10/05</u> Date of Transmission	